

REMARKS

Reconsideration of the subject application is respectfully requested.

Claims 1, 7-9, 13-15, 17, 20, 22, and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Engelmann in view of Lee. The Examiner continues to reject the claims by ignoring specific claim limitations. For example, the Examiner states in paragraph 7 of the office action (see top of page 7) that Lee discloses “a timer that counts a predetermined time period and wherein the control unit is responsive to the timer counting to an end of the predetermined time period.” However, that is not what is being claimed. Claim 1 recites “a timer that counts a predetermined time period and wherein said timepiece control unit is responsive to said timer counting to an end of said predetermined time period for controlling said time display member to display non-time information in accordance with said stored data.” Lee says nothing about the non-time information being displayed in response to the timer counting to an end of a predetermined period.

Once again, the Examiner is reading just enough of the cited references in an attempt to piece together bits of information to meet the claimed invention. The Court of Appeals for the Federal Circuit has consistently prohibited this type of hindsight reconstruction that uses the claimed invention as a template to piece together the teachings of the prior art. The claimed invention must be viewed as a whole, not a series of unrelated elements. See, for example, *In re Fritch*, 23 USPQ2d 1780 (Fed. Cir. 1992).

The Examiner goes back and forth between Engelmann, Lee and Nomura referencing technically unrelated features without considering what this “obvious” combination of these three would look like. As an example, please see page 3 of the office action. In responding to applicant’s argument that, with reference to Lee, the comparison result does not effect the movement of a mechanical time display. The Examiner responds that “Lee discloses displaying of non-time information in accordance with a comparison result (see fig. 7, col. 8, lines 14-22).” But, what is displayed is an enable indication on the electronic display 160, not movement of a mechanical time display. The Examiner then

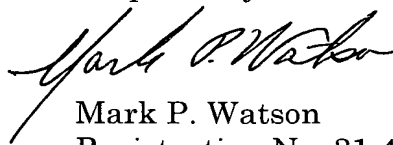
throws in a reference to Nomra and then goes back to an unrelated section of Lee. It is clear that the Examiner is trying to piece together different, and unrelated features of separate references with the only motive to combine them being provided by applicants' invention. The claims must be viewed as a whole with consideration given to the recited relationship between the claimed features – not just a listing of unrelated parts that the Examiner is able to find in the prior art using applicant's claims as an instruction manual.

In their last response, applicants discussed each of the cited references as applied against the claims. For clarity, applicant will not repeat those arguments here but will simply incorporate them here by reference since they still apply to the current rejections.

Claim 14 has been amended to recite a feature of the present invention in which the timepiece module includes a battery that is used as the power source when displaying non-time information on the time display member. Please see, for example, Fig. 4 and page 10, lines 1-12 of the specification. This feature is neither disclosed nor taught in the references cited.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration of the present application.

Respectfully submitted,



Mark P. Watson
Registration No. 31,448

Please address all correspondence to:

Epson Research and Development, Inc.
Intellectual Property Department
150 River Oaks Parkway, Suite 225
San Jose, CA 95134
Phone: (408) 952-6000
Facsimile: (408) 954-9058
Customer No. 20178

Date: December 20, 2005